

## Special message from President Grant - 13 June 1870

EXECUTIVE MANSION, June 13, 1870.

To the Senate and House of Representatives:

In my annual message to Congress at the beginning of its present session I referred to the contest which had then for more than a year existed in the island of Cuba between a portion of its inhabitants and the Government of Spain, and the feelings and sympathies of the people and Government of the United States for the people of Cuba, as for all peoples struggling for liberty and self-government, and said that "the contest has at no time assumed the conditions which amount to war in the sense of international law, or which would show the existence of a de facto political organization of the insurgents sufficient to justify a recognition of belligerency."

During the six months which have passed since the date of that message the condition of the insurgents has not improved, and the insurrection itself, although not subdued, exhibits no signs of advance, but seems to be confined to an irregular system of hostilities, carried on by small and illy armed bands of men, roaming without concentration through the woods and the sparsely populated regions of the island, attacking from ambush convoys and small bands of troops, burning plantations and the estates of those not sympathizing with their cause.

But if the insurrection has not gained ground, it is equally true that Spain has not suppressed it. Climate, disease, and the occasional bullet have worked destruction among the soldiers of Spain; and although the Spanish authorities have possession of every seaport and every town on the island, they have not been able to subdue the hostile feeling which has driven a considerable number of the native inhabitants of the island to armed resistance against Spain, and still leads them to endure the dangers and the privations of a roaming life of guerrilla warfare.

On either side the contest has been conducted, and is still carried on, with a lamentable disregard of human life and of the rules and practices which modern civilization has prescribed in mitigation of the necessary horrors of war. The torch of Spaniard and of Cuban is alike busy in carrying devastation over fertile regions; murderous and revengeful decrees are issued and executed by both parties. Count Valmaseda and Colonel Boet, on the part of Spain, have each startled humanity and aroused the indignation of the civilized world by the execution, each, of a score of prisoners at a time, while General Quesada, the Cuban chief, coolly and with apparent unconsciousness of aught else than a proper act, has admitted the slaughter, by his own deliberate order, in one day, of upward of 650 prisoners of war.

A summary trial, with few, if any, escapes from conviction, followed by immediate execution, is the fate of those arrested on either side on suspicion of infidelity to the cause of the party making the arrest.

Whatever may be the sympathies of the people or of the Government of the United States for the cause or objects for which a part of the people of Cuba are understood to have put themselves in armed resistance to the Government of Spain, there can be no just sympathy in a conflict carried on by both parties alike in such barbarous violation of the rules of civilized nations and with such continued outrage upon the plainest principles of humanity.

We can not discriminate in our censure of their mode of conducting their contest between the Spaniards and the Cubans. Each commit the same atrocities and outrage alike the established rules of war.

The properties of many of our citizens have been destroyed or embargoed, the lives of several have been sacrificed, and the liberty of others has been restrained. In every case that has come to the knowledge of the Government an early and earnest demand for reparation and indemnity has been made, and most emphatic remonstrance has been presented against the manner in which the strife is conducted and against the reckless disregard of human life, the wanton destruction of material wealth, and the cruel disregard of the established rules of civilized warfare.

I have, since the beginning of the present session of Congress, communicated to the House of Representatives, upon their request, an account of the steps which I had taken in the hope of bringing this sad conflict to an end and of securing to the people of Cuba the blessings and the right of independent self-government. The efforts thus made failed, but not without an assurance from Spain that the good offices of this Government might still avail for the objects to which they had been addressed.

During the whole contest the remarkable exhibition has been made of large numbers of Cubans escaping from the island and avoiding the risks of war; congregating in this country, at a safe distance from the scene of danger, and endeavoring to make war from our shores, to urge our people into the fight which they avoid, and to embroil this Government in complications and possible hostilities with Spain. It can scarce be doubted that this last result is the real object of these parties, although carefully covered under the deceptive and apparently plausible demand for a mere recognition of belligerency.

It is stated on what I have reason to regard as good authority that Cuban bonds have been prepared to a large amount, whose payment is made dependent upon the recognition by the United States of either Cuban belligerency or independence. The object of making their value thus contingent upon the action of this Government is a subject for serious reflection.

In determining the course to be adopted on the demand thus made for a recognition of belligerency the liberal and peaceful principles adopted by the Father of his Country and the eminent statesmen of his day, and

followed by succeeding Chief Magistrates and the men of their day, may furnish a safe guide to those of us now charged with the direction and control of the public safety.

From 1789 to 1815 the dominant thought of our statesmen was to keep the United States out of the wars which were devastating Europe. The discussion of measures of neutrality begins with the State papers of Mr. Jefferson when Secretary of State. He shows that they are measures of national right as well as of national duty; that misguided individual citizens can not be tolerated in making war according to their own caprice, passions, interests, or foreign sympathies; that the agents of foreign governments, recognized or unrecognized, can not be permitted to abuse our hospitality by usurping the functions of enlisting or equipping military or naval forces within our territory. Washington inaugurated the policy of neutrality and of absolute abstinence from all foreign entangling alliances, which resulted, in 1794, in the first municipal enactment for the observance of neutrality.

The duty of opposition to filibustering has been admitted by every President. Washington encountered the efforts of Genèt and of the French revolutionists; John Adams, the projects of Miranda; Jefferson, the schemes of Aaron Burr. Madison and subsequent Presidents had to deal with the question of foreign enlistment or equipment in the United States, and since the days of John Quincy Adams it has been one of the constant cares of Government in the United States to prevent piratical expeditions against the feeble Spanish American Republics from leaving our shores. In no country are men wanting for any enterprise that holds out promise of adventure or of gain.

In the early days of our national existence the whole continent of America (outside of the limits of the United States) and all its islands were in colonial dependence upon European powers.

The revolutions which from 1810 spread almost simultaneously through all the Spanish American continental colonies resulted in the establishment of new States, like ourselves, of European origin, and interested in excluding European politics and the questions of dynasty and of balances of power from further influence in the New World.

The American policy of neutrality, important before, became doubly so from the fact that it became applicable to the new Republics as well as to the mother country.

It then devolved upon us to determine the great international question at what time and under what circumstances to recognize a new power as entitled to a place among the family of nations, as well as the preliminary question of the attitude to be observed by this Government toward the insurrectionary party pending the contest.

Mr. Monroe concisely expressed the rule which has controlled the action of this Government with reference to revolting colonies pending their

struggle by saying:

As soon as the movement assumed such a steady and consistent form as to make the success of the Provinces probable, the rights to which they were entitled by the laws of nations as equal parties to a civil war were extended to them.

The strict adherence to this rule of public policy has been one of the highest honors of American statesmanship, and has secured to this Government the confidence of the feeble powers on this continent, which induces them to rely upon its friendship and absence of designs of conquest and to look to the United States for example and moral protection. It has given to this Government a position of prominence and of influence which it should not abdicate, but which imposes upon it the most delicate duties of right and of honor regarding American questions, whether those questions affect emancipated colonies or colonies still subject to European dominion.

The question of belligerency is one of fact, not to be decided by sympathies for or prejudices against either party. The relations between the parent state and the insurgents must amount in fact to war in the sense of international law. Fighting, though fierce and protracted, does not alone constitute war. There must be military forces acting in accordance with the rules and customs of war, flags of truce, cartels, exchange of prisoners, etc.; and to justify a recognition of belligerency there must be, above all, a *de facto* political organization of the insurgents sufficient in character and resources to constitute it, if left to itself, a state among nations capable of discharging the duties of a state and of meeting the just responsibilities it may incur as such toward other powers in the discharge of its national duties.

Applying the best information which I have been enabled to gather, whether from official or unofficial sources, including the very exaggerated statements which each party gives to all that may prejudice the opposite or give credit to its own side of the question, I am unable to see in the present condition of the contest in Cuba those elements which are requisite to constitute war in the sense of international law.

The insurgents hold no town or city; have no established seat of government; they have no prize courts; no organization for the receiving and collecting of revenue; no seaport to which a prize may be carried or through which access can be had by a foreign power to the limited interior territory and mountain fastnesses which they occupy. The existence of a legislature representing any popular constituency is more than doubtful.

In the uncertainty that hangs around the entire insurrection there is no palpable evidence of an election, of any delegated authority, or of any government outside the limits of the camps occupied from day to day by

the roving companies of insurgent troops; there is no commerce, no trade, either internal or foreign, no manufactures.

The late commander in chief of the insurgents, having recently come to the United States, publicly declared that "all commercial intercourse or trade with the exterior world has been utterly cut off;" and he further added: "To-day we have not 10,000 arms in Cuba."

It is a well-established principle of public law that a recognition by a foreign state of belligerent rights to insurgents under circumstances such as now exist in Cuba, if not justified by necessity, is a gratuitous demonstration of moral support to the rebellion. Such necessity may yet hereafter arrive, but it has not yet arrived, nor is its probability clearly to be seen.

If it be war between Spain and Cuba, and be so recognized, it is our duty to provide for the consequences which may ensue in the embarrassment to our commerce and the interference with our revenue.

If belligerency be recognized, the commercial marine of the United States becomes liable to search and to seizure by the commissioned cruisers of both parties; they become subject to the adjudication of prize courts.

Our large coastwise trade between the Atlantic and the Gulf States and between both and the Isthmus of Panama and the States of South America (engaging the larger part of our commercial marine) passes of necessity almost in sight of the island of Cuba. Under the treaty with Spain of 1795, as well as by the law of nations, our vessels will be liable to visit on the high seas. In case of belligerency the carrying of contraband, which now is lawful, becomes liable to the risks of seizure and condemnation. The parent Government becomes relieved from responsibility for acts done in the insurgent territory, and acquires the right to exercise against neutral commerce all the powers of a party to a maritime war. To what consequences the exercise of those powers may lead is a question which I desire to commend to the serious consideration of Congress.

In view of the gravity of this question, I have deemed it my duty to invite the attention of the war-making power of the country to all the relations and bearings of the question in connection with the declaration of neutrality and granting of belligerent rights.

There is not a *de facto* government in the island of Cuba sufficient to execute law and maintain just relations with other nations. Spain has not been able to suppress the opposition to Spanish rule on the island, nor to award speedy justice to other nations, or citizens of other nations, when their rights have been invaded.

There are serious complications growing out of the seizure of American vessels upon the high seas, executing American citizens without proper

trial, and confiscating or embargoing the property of American citizens. Solemn protests have been made against every infraction of the rights either of individual citizens of the United States or the rights of our flag upon the high seas, and all proper steps have been taken and are being pressed for the proper reparation of every indignity complained of.

The question of belligerency, however, which is to be decided upon definite principles and according to ascertained facts, is entirely different from and unconnected with the other questions of the manner in which the strife is carried on on both sides and the treatment of our citizens entitled to our protection.

The questions concern our own dignity and responsibility, and they have been made, as I have said, the subjects of repeated communications with Spain and of protests and demands for redress on our part. It is hoped that these will not be disregarded, but should they be these questions will be made the subject of a further communication to Congress.

U.S. GRANT.